



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD-M
PUBLIC NOTICE NO. SAM-2016-00784-MGS

August 15, 2016

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL
AND
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**REQUEST TO FILL WATERS AND MITIGATE FOR FILLED WATERS OF THE UNITED
STATES FOR THE DEVELOPMENT OF A COMMERCIAL PARCEL, NORTH MOSS
POINT, JACKSON COUNTY, MISSISSIPPI**

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) will be based. Please communicate this information to interested parties.

Applicant: **Mr. Michael Shular**
9475 Hwy 49
Gulfport, Mississippi 39503

Agent: **Compton Engineering**
Attention: Ms. List Morrison
1706 Convent Avenue
Pascagoula, Mississippi 39568

LOCATION OF WORK: The proposed commercial site is located approximately 1,275 feet south of Interstate 10 and approximately 270 feet west of Highway 63 in the southwest quadrant of the Hwy 63 / I-10 Interchange, within Moss Point, Jackson County, Mississippi (**Appendix B-1, B-2, and B-3 Maps**). The project site encompasses approximately 0.52 acres within Section 18, Township 7 South, Range 5 West, with approximate center coordinates at Latitude 30.437710° North, Longitude -88.528480° West. The project site lies within the Pascagoula Escatawpa HUC 03170008 Watershed.

Project Purpose: The purpose of the project is for the development of a small commercial building.

Project Description: The applicant plans to fill a 0.52-acre commercial parcel for the construction of a building, driveway, and parking lot with approximately 2,500 cubic yards of material to allow for the construction of a building (~4,160 square feet) and pavement (~18,340 square feet). The applicant is requesting a Department of Army (DA) permit for the completion of this work (**Concept Plan**). The project site consists of a 0.52-acre, vacant parcel surrounded by commercial facilities with paved surfaces. The subject property is bound by Amoco Drive to the south, a Waffle House to the east, and a large travel service refueling facility with parking area to the north and west. The Applicant submitted an Environmental Assessment that included a Wetland Delineation Report indicating the presence of low quality wetlands across the entire parcel with stormwater run-off flow into adjacent roadway ditches.

Mitigation: The applicant proposes to purchase the required credits through a mitigation bank to offset the loss to 0.52 acres of wetlands.

Water Quality: The applicant has applied for State Water Quality Certification (WQC) in accordance with Section 401(a)(1) of the Clean Water Act and for Coastal Zone Management (CZM) consistency in accordance with the State CZM Program. Upon completion of the required advertising, a determination relative to WQC and CZM consistency will be made by the Mississippi Department of Environmental Quality and the Mississippi Department of Marine Resources.

Historic Properties: In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR 325, the undertaking defined in this Notice is being considered for the potential to effect cultural and historic properties within the permit area. The Mississippi Department of Archives and History (MDAH) sent a July 27, 2016 letter of determination to the Mississippi Department of Marine Resources (MDMR) indicating that no cultural resources are likely to be affected by the proposed project.

Upon the USACE's review of the list of National Register of Historic Places within one mile of the project site, no properties were identified as eligible for the National Register. The USACE's preliminary determination is that the proposed project would have **no affect** for cultural resources or historic properties in the permit area (0.52-acre parcel). The USACE is seeking comment from the State Historic Preservation Officer, Federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and the general public regarding the existence, or the potential for existence, of significant cultural and historic properties which may be affected by the work.

Endangered Species: Upon the U.S. Army Corps of Engineers (USACE's) review and evaluation of the 2015 Federal List of Threatened and Endangered Species for Jackson

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County, field visit to the site on July 26, 2016, and utilization of the Standard Local Operating Procedures for Endangered Species (SLOPES) agreement, the USACE's preliminary determination is that the proposed project will have **no effect** for all these listed species within the permit area (0.52-acre parcel). The USACE is seeking comment from the U.S. Fish and Wildlife Service for information on whether any listed threatened or endangered species or their critical habitat may be present in the area, which would be affected by the proposed activity.

Comments: This Public Notice is being distributed to all known interested persons and serves to solicit comments from the public as well as other interested parties and/or officials of Indian Tribes, Federal, State, and local agencies. This Public Notice may also be reviewed at www.sam.usace.army.mil/Missions/Regulatory.aspx. Comments received will be evaluated and considered by the USACE prior to making the decision to issue or deny a DA permit for the proposed project. This decision will be based the assessment of impacts to threatened and endangered species, cultural and historical properties, water quality, and other public interest factors as outlined in 33 CFR Part 320.4. Comments obtained will be evaluated to prepare an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. The comments will also be considered to determine the overall public interest and need for a public hearing for the proposed activity.

Any person may request, in writing, within the comment period specified in this Notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

For accuracy and completeness of the record, all data to support or oppose the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit or not will be based on an evaluation of probable and cumulative impacts of the proposed activity and public interest. That decision will reflect the concern for protection and utilization of important national resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All public interest factors relevant to the proposal will be considered, including the cumulative effects thereof. These factors include: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, as well as the needs and welfare of the people.

Any correspondence concerning this publication should refer to Public Notice Number **SAM-2016-00784-MGS**. Please direct any written comments to the Project Manager at U. S. Army Corps of Engineers (USACE), RD-M, Attention: Mr. Michael G. Stevens, Post

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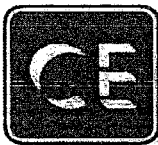
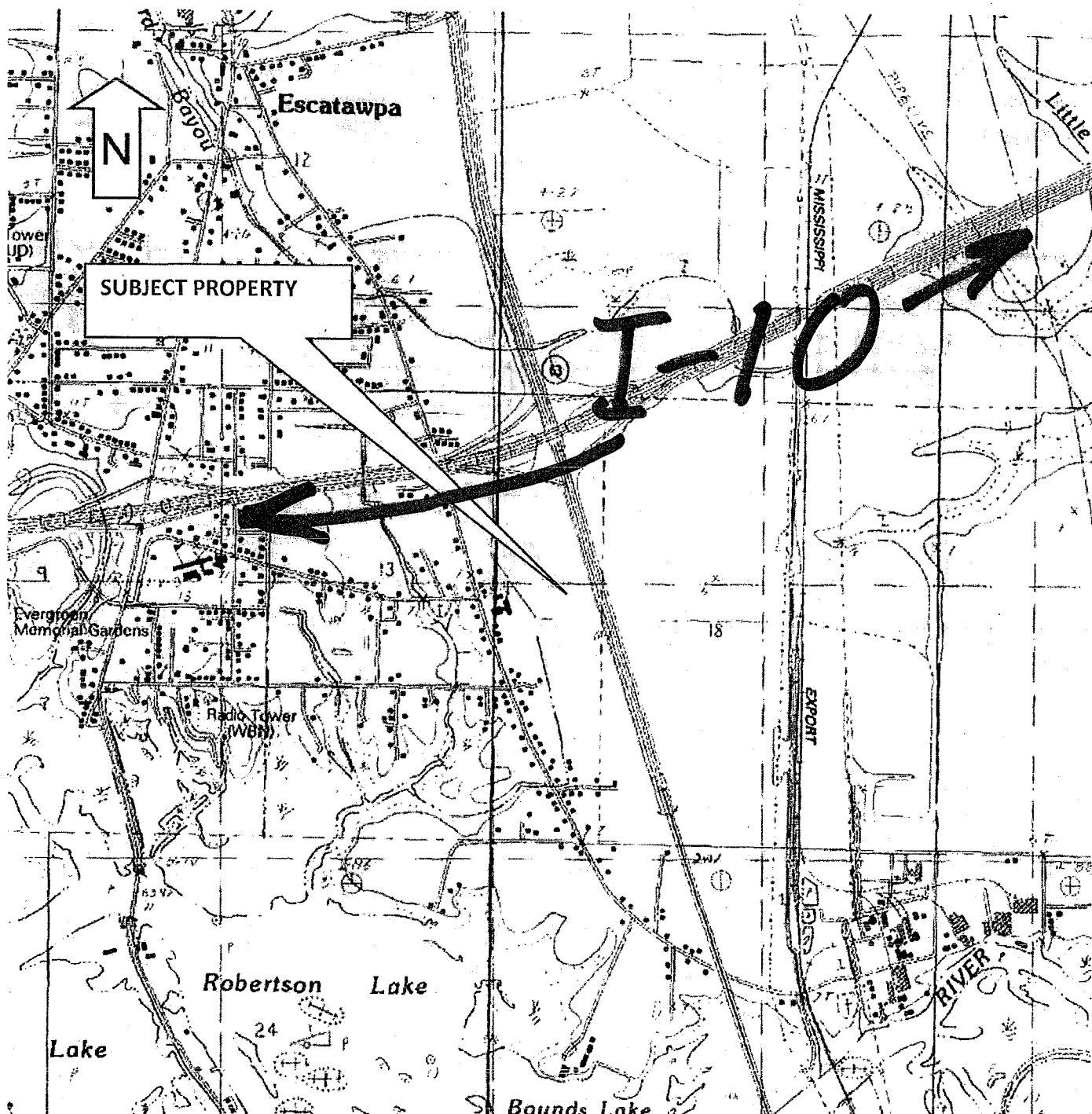
Office Box 2288, Mobile, Alabama 36628-0001 or via email (Michael.G.Stevens2@usace.army.mil). You may also send a copy of your correspondence to the Mississippi Department of Environmental Quality, Office of Pollution Control, Environmental Permitting Division, Attention: Ms. Florance Bass, Post Office Box 2261, Jackson, Mississippi 39225 and to the Mississippi Department of Marine Resources, Bureau of Wetlands Permitting, Attention: Mr. Chris Pickering, 1141 Bayview Avenue, Biloxi, Mississippi 39530.

All Comments should be received no later than 30 days from the date of this Public Notice.

If you have any questions or comments concerning this publication, you may contact the Project Manager via email (Michael.G.Stevens2@usace.army.mil) or phone (251) 694-3702. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

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Mobile District
U.S. Army Corps of Engineers



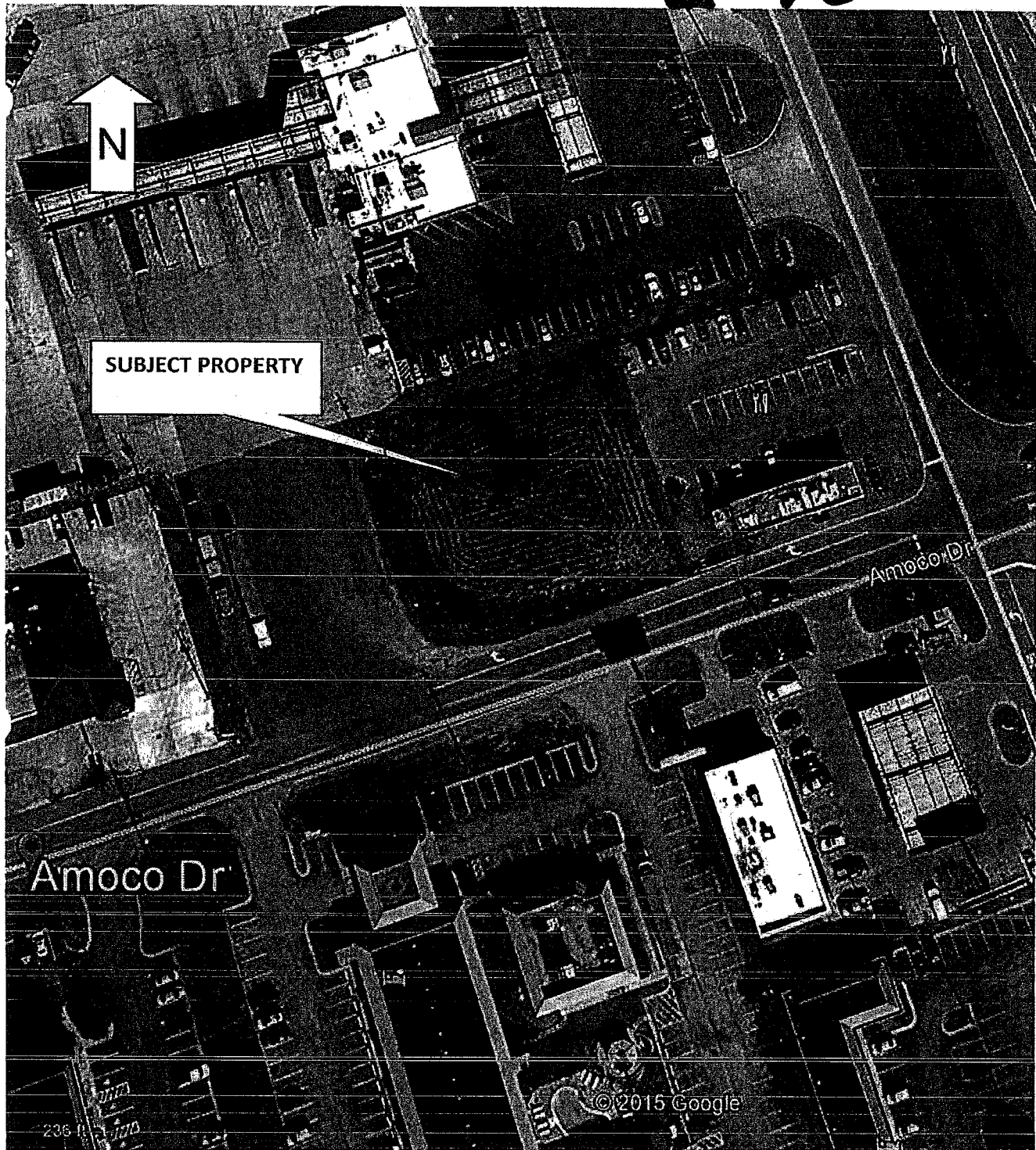
COMPTON ENGINEERING, INC.
 Engineering, Surveying, and Environmental Services
 156 Nixon Street
 Biloxi, Mississippi 39530
 Phone: (228) 432-2133 Fax: (228) 432-8149
 E-mail: compton@comptonengineering.com

Site: Shular Property
 Amoco Road
 Moss Point, Jackson County, MS

Figure Title: **Topographic Map** (Map Source: MyTopo Map Pass. Photo Date: September 9, 2012)

Appendix ID:
 B -1

← I-10 →

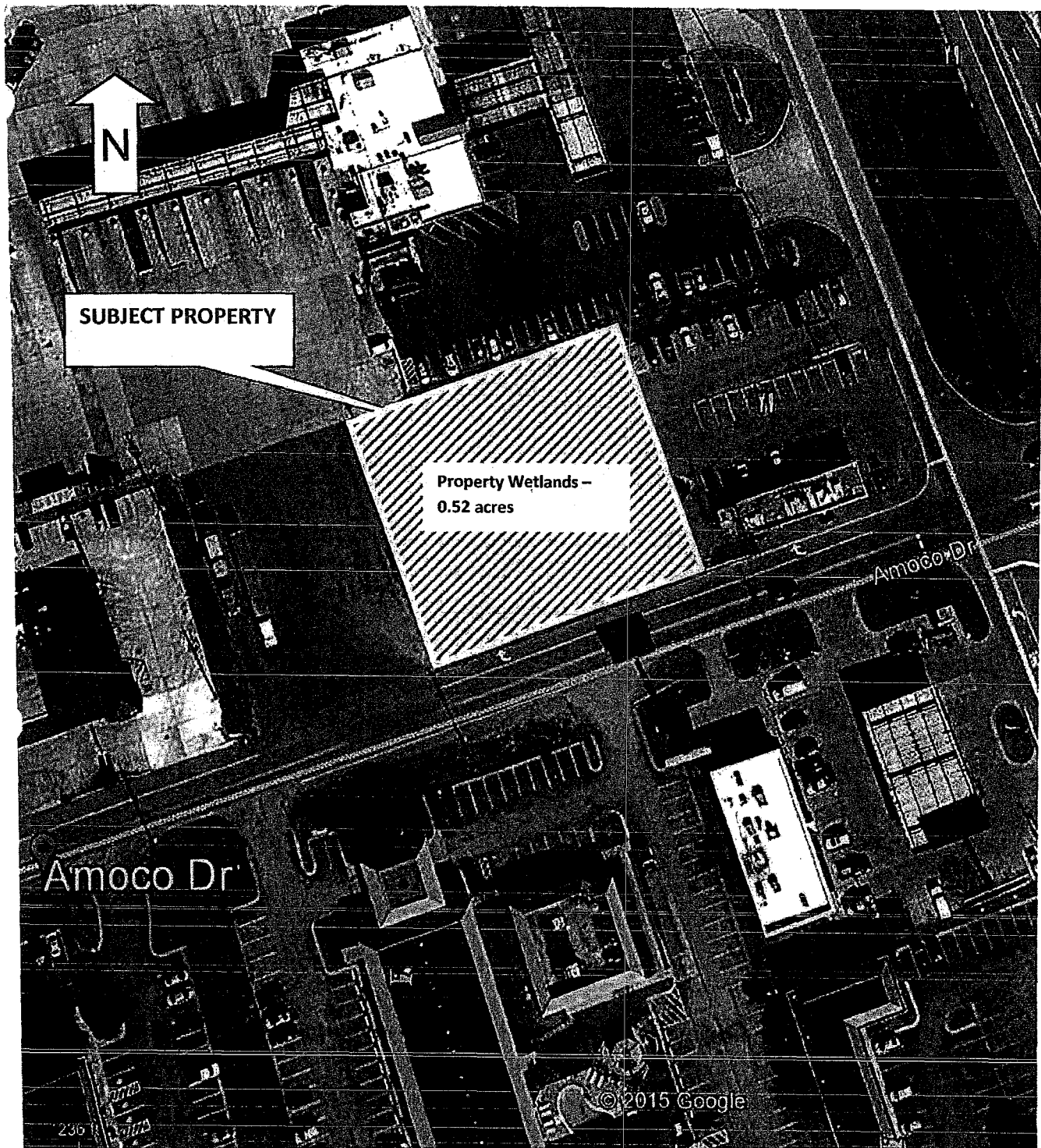


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Site: Shular Property
Amoco Road
Moss Point, MS

Figure Title: **Aerial Imagery** (Map Source: MyTopo Map Pass. Photo Date: September 9, 2012)

Appendix ID:
B-2



COMPTON ENGINEERING, INC.
 Engineering, Surveying, and Environmental Services
 156 Nixon Street
 Biloxi, Mississippi 39530
 Phone: (228) 432-2133 Fax: (228) 432-8149
 E-mail: compton@comptonengineering.com

Site: Shular Property
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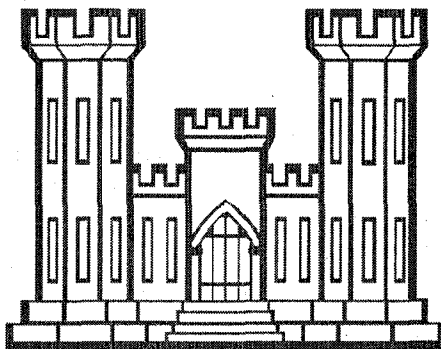
Figure Title: **Aerial Imagery** (Map Source: MyTopo Map Pass. Photo Date: September 9, 2012)

Appendix ID:
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DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
P. O. BOX 2228
MOBILE, ALABAMA 36628-0001
OFFICIAL BUSINESS
CESAM-RD-C

MGS



**U.S. ARMY CORPS
OF ENGINEERS
MOBILE DISTRICT**